IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**
**THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY**

**WRIT PETITION NO : 455 of 2005**

Between:

1 The Principal Secretary to Government (Political), Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.

2 The Chief Secretary to Government , Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.

3 The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyderabad.

**..... PETITIONERS**

AND

1 Sri Ramesh Kumar Suman, IFS, Deputy Secretary to Government, Education Department, A.P. Secretariat, Hyderabad.

2 The Secretary to Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or direction more particularly in the nature of Writ of Certiorari and to call for the records relating to the order dated 14-9-2004 in O.A.No. 979 of 2004 passed by the Honourable Central Administrative Tribunal, Hyderabad Branch and quash the same.

**Counsel for the Petitioner: GP FOR SERVICES II**

**Counsel for the Respondent No.1: Mr. K.SUDHAKAR REDDY**

**Counsel for the Respondent No.2: MR.A.RAJASHEKAR REDDY**
**SC FOR CENTRAL GOVERNMENT**

**The Court made the following:**

**ORDER:**

(Per the Hon'ble Sri Justice J.Chelameswar)

The first respondent herein filed O.A.NO.979 of 2004 on the file of the Central Administrative Tribunal, Hyderabad (for short 'the Tribunal') with the prayer as follows:

> "This Hon'ble Tribunal may be pleased to finalize the enquiry proceedings against the applicant in pursuance of the charge memo issued in G.O.Rt.No.2348, dated 16.05.2002 issued by the Second Respondent, within a period of "2" months and pass final orders therein as per the law laid down by the Hon'ble Supreme Court in the case of State of Punjab and Others Vs. Chaman Lal Goyal reported in (1995) 2 SCC 570 and be pleased to pass such other and further orders or orders as they may be deemed fit."

It appears the Tribunal disposed of the above mentioned O.A. at the admission stage without there being a counter of the respondents. Admittedly, the O.A. itself was presented on
23-08-2004. Be that as it may, the Tribunal, while disposing of the O.A., directed the writ petitioners-respondents in the O.A. to conclude the disciplinary enquiry pending against the first respondent herein within a period of four months from the date of receipt of a copy of the order with a declaration that if the enquiry is not concluded within the stipulated time, the same shall be deemed to have been dropped. Aggrieved by that portion of the order, by which the Tribunal declared that if the enquiry is not concluded within four months from the date of receipt of a copy of the order, the same shall be deemed to have been dropped, the present writ petition is filed.

It may not be necessary for us to go into the factual details of the case except briefly indicating the background in which way this litigation arose. The first respondent along with 21 others is alleged to be guilty of certain misconducts, which include certain financial irregularities in the discharge of their duties.

The first respondent is an officer of the All India Service and the remaining 21 others referred to earlier are the servants of the State of Andhra Pradesh. Two different enquiry officers were appointed to deal with the cases respectively. Since the transaction from out of which the disciplinary enquiries so arose is one of the same, the records connected with the transaction are required in both the enquiries. Apparently, there was some delay in conducting the enquiry. Apart from the fact the first respondent also raised certain objections before the enquiry officer, the merits of which we do not propose to examine, as it will have a bearing on the outcome of the enquiry.

In the said background, apparently, there was some delay in conducting the enquiry. But, in our view, such delay cannot necessarily be a consequence of stopping of the charges on the enquiry not been concluded within the time stipulated by the Tribunal. The charges are serious and they require a thorough examination.

The learned Government Pleader appearing for the petitioners submitted that insofar as the others involved in the transaction referred to earlier are concerned, the enquiry is concluded and appropriate action is taken and now if the writ petitioners are permitted to conclude the enquiry, it should not take more than three months to conclude the same.

In the circumstances, without going into the correctness of the order and the appropriateness of the enquiry that the enquiry should be concluded within four months from the date of receipt of the said order, we deem it appropriate to dispose of the writ petition permitting the petitioners to conclude the enquiry pending against the first respondent herein expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

_____

**J.CHELAMESWAR, J**

_____

**M.VENKATESWARA REDDY, J**

Dated June 10, 2005.

Note:

Issue copy in one week.

(B/o)

YCR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble AACJ Bilal Nazki Friday the Tenth of June Two Thousand and five.

To

1 The Principal Secretary to Government (Political), Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.

2 The Chief Secretary to Government, Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.

3 The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyderabad.

4 The Secretary to Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.

5. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT)

6. 2 C.D. copies.